

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Thomas Juliano	Team: Squad #13	CCRB Case #: 201903074	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Sunday, 04/07/2019 11:15 AM	Location of Incident: 252 East 4th Street	Precinct: 09	18 Mo. SOL 10/7/2020	EO SOL 5/24/2021	
Date/Time CV Reported Tue, 04/09/2019 12:30 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Tue, 04/09/2019 12:30 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POF Meglis Grullon	28159	936042	009 PCT
2. POM Nicholas Valentin	07750	961575	009 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Meglis Grullon	Abuse: Police Officer Meglis Grullon searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants	
B.POF Meglis Grullon	Force: Police Officer Meglis Grullon used physical force against § 87(2)(b)	
C.POM Nicholas Valentin	Force: Police Officer Nicholas Valentin used physical force against § 87(2)(b)	
D.POF Meglis Grullon	Abuse: Police Officer Meglis Grullon issued a summons to § 87(2)(b)	
E.POF Meglis Grullon	Abuse: Police Officer Meglis Grullon issued a summons to § 87(2)(b)	

Case Summary

On April 9, 2019, § 87(2)(b) filed this complaint as a walk-in at the CCRB.

On April 7, 2019, at 11:15 a.m., § 87(2)(b) and her wife, § 87(2)(b) who had just parked their vehicle in front of 252 East 4th Street in Manhattan, were approached by PO Meglis Grullon and PO Nicholas Valentin of the 9th Precinct, who ultimately issued § 87(2)(b) a summons for an improperly mounted license plate. PO Valentin entered the vehicle to check the VIN number (**Allegation A: Abuse of Authority**, § 87(2)(g) § 87(2)(b) addressed the officers, who both then used physical force against her (**Allegation B and C: Force**, § 87(2)(g) PO Grullon issued § 87(2)(b) two summonses (**Allegations D and E: Abuse of Authority**: § 87(2)(g) Kings County Criminal Court has no record of either disorderly conduct summons that was issued to § 87(2)(b) § 87(2)(b) though she said both summonses were ultimately dismissed (**Board Review 01**).

BWC footage from PO Grullon and PO Valentin captured this incident. The footage can be found in IAs #59-63 (**Board Review 06, 11, 22, 23, 24**), and summaries of the footage can be found in IA #101 (**Board Review 02**). Surveillance footage of this incident was obtained and can be found in IAs #10 and 11. Summaries of the surveillance footage can be found in IAs #14 (**Board Review 03**) and #15 (**Board Review 04**).

Findings and Recommendations

Allegation A – Abuse of Authority: Police Officer Meglis Grullon searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.

§ 87(2)(b) said that as she and § 87(2)(b) exited their vehicle, they saw PO Grullon and PO Valentin parked behind them with their vehicle's turret lights on. The officers exited the vehicle and PO Grullon asked § 87(2)(b) where her vehicle's license plate was. § 87(2)(b) and § 87(2)(b) showed PO Grullon that their license plate was in the back left corner of the rear windshield. PO Grullon ordered § 87(2)(b) to produce her license and registration and she complied. PO Grullon and PO Valentin first returned to their vehicle, then came back and said that two vehicles were registered under the same license plate number and that she needed to check the VIN number. PO Grullon placed her head through the open driver's window and looked inside the vehicle while PO Valentin looked on the front windshield. Neither § 87(2)(b) nor § 87(2)(b) consented to the vehicle being entered/searched. PO Grullon ultimately issued § 87(2)(b) a summons for having an obstructed license plate (**Board Review 05**).

§ 87(2)(b) provided a brief phone statement to the investigation, in which she did not allege that her and § 87(2)(b) § 87(2)(b) vehicle was searched (**Board Review 21**).

PO Grullon and PO Valentin both denied that PO Grullon entered the vehicle (**Board Review 07, 08**).

PO Grullon's body worn camera captured the incident. At the 08:35 minute mark of the media player timestamp, visible at the bottom of the screen, PO Grullon tells § 87(2)(b) that two license plate numbers are associated with her vehicle, and that they need to run the vehicle's VIN number. At 09:24, PO Valentin looks at the vehicle's VIN number through the front windshield. At no point does PO Grullon enter the vehicle (**Board Review 06**).

§ 87(2)(b), § 87(2)(g)

Allegation B – Force: Police Officer Meglis Grullon used physical force against § 87(2)(b)

Allegation C – Force: Police Officer Nicholas Valentin used physical force against § 87(2)(b)

§ 87(2)(b) said that as PO Grullon and PO Valentin walked back to their vehicle to leave, she told PO Grullon to have a good day and that she hoped the officers found some crime to fight. PO Grullon turned around, ordered § 87(2)(b) to produce her identification, and said she was being issued a summons for disorderly conduct (see Allegation C). § 87(2)(b) complied. PO Grullon returned to her vehicle, but returned approximately three minutes later and “charged at” § 87(2)(b).

PO Grullon grabbed § 87(2)(b)'s left arm and wrist and told her to put her hands behind her back. § 87(2)(b) asked why she was being arrested. PO Valentin grabbed § 87(2)(b)'s right arm while PO Grullon pulled § 87(2)(b)'s left arm toward her back and bent her left wrist upward while attempting to handcuff her. § 87(2)(b) told PO Valentin that if PO Grullon released her arm, she would put it behind her back. PO Grullon ordered § 87(2)(b) to stop resisting. § 87(2)(b) told the officers that one of them needed to release one of her arms if they were to handcuff her. PO Grullon held § 87(2)(b)'s wrist with one hand and her jacket with the other. PO Grullon and PO Valentin pulled § 87(2)(b) who said she lost her balance and hit her head against a concrete wall next to the front door of a building. PO Grullon released § 87(2)(b)'s arm and PO Valentin handcuffed her. As PO Grullon and PO Valentin walked § 87(2)(b) to their vehicle, § 87(2)(b) began screaming in protest of being arrested. PO Grullon slammed an unspecified part of § 87(2)(b)'s body against the patrol vehicle, searched her, and placed her inside.

§ 87(2)(b) said she went to § 87(2)(b) she was release from custody, and that she was diagnosed with a wrist fracture and a mild concussion (**Board Review 05, Board Review 09**).

§ 87(2)(b)'s medical records from § 87(2)(b) document her complaint of head and wrist pain. Wrist X-Rays were negative for fractures. § 87(2)(b) was diagnosed with head trauma without a concussion, and a wrist sprain. She was prescribed Naproxen for pain (**Board Review 10**).

PO Grullon said that as she wrote a disorderly conduct summons for § 87(2)(b) in her vehicle, § 87(2)(b) yelled and used profanity, which PO Grullon heard through her vehicle's closed windows. Approximately five bystanders stopped to observe § 87(2)(b). Since § 87(2)(b) was being disorderly, PO Grullon decided to place her under arrest. PO Grullon approached § 87(2)(b) and told her that she was not complying with any of the orders that the officers had issued her, so she was being placed under arrest. PO Grullon ordered her to place her hands behind her back, but § 87(2)(b) refused, “flailed” her arms, moved around, and kicked. PO Grullon and PO Valentin grabbed § 87(2)(b)'s wrists and pulled them behind her back to rear handcuff her. § 87(2)(b) continued to flail her arms. PO § 87(2)(b) [sic] and PO Valentin placed § 87(2)(b) against a nearby wall to better control her, and waited for her to stop moving. PO Grullon ordered § 87(2)(b) to remain still. § 87(2)(b) continued to scream and use profanity. Because § 87(2)(b) refused to comply, PO Grullon and PO Valentin pulled her arms behind her back and handcuffed her. The officers escorted § 87(2)(b) to their vehicle and once there, § 87(2)(b) got inside without resistance. Neither officer pushed or hit § 87(2)(b) against their vehicle. PO Valentin's statement was generally consistent with PO Grullon's.

PO Valentin's BWC footage captures this portion of the incident. Starting at the 24:47 timestamp of the media player, visible at the bottom of the screen, PO Grullon and PO Valentin conclude the vehicle stop and walk toward their patrol car. § 87(2)(b) shouts, "Have a nice day. Have a beautiful day on this Palm Sunday. And I hope you find something better to do with your time, fucking bitch ass." PO Grullon approaches § 87(2)(b) and orders her to provide identification twice before § 87(2)(b) ultimately complies, and the officers enter their vehicle. At 29:26, § 87(2)(b) yells while waiting outside of the officers' vehicle, though her statement is unintelligible. PO Grullon asks PO Valentin, "You want to bring her over?"

The officers exit their vehicle and approach § 87(2)(b). PO Grullon repeatedly orders § 87(2)(b) to place her hands behind her back, and each time, § 87(2)(b) asks why she is being arrested. PO Grullon tells § 87(2)(b) that she is being disorderly. PO Grullon approaches § 87(2)(b) who backs up toward the entrance of a building. PO Grullon grabs § 87(2)(b)'s right arm twice and orders her to place her hands behind her back twice more. Both times, § 87(2)(b) pulls her arm away from PO Grullon. § 87(2)(b) holds her arms in front of her, and tells the officers to "hold on." PO Valentin grabs § 87(2)(b)'s right arm, which is across her chest, and tells her to stop pulling away. PO Grullon pulls § 87(2)(b)'s left arm behind her back as PO Valentin places one handcuff on § 87(2)(b)'s right arm, which is still in front of her. § 87(2)(b) twists her body and PO Valentin orders her to stop moving her arm.

At 30:43, the officers are holding § 87(2)(b)'s arms behind her back. PO Grullon releases § 87(2)(b)'s arm and lifts § 87(2)(b)'s jacket, which had fallen off of her shoulders and is resting on her arms. § 87(2)(b) pulls her arm away from the officers. PO Grullon pulls § 87(2)(b)'s arm behind her back and the officers handcuff and walk her to their vehicle. At 32:29, as § 87(2)(b) PO Grullon, and PO Valentin are standing on the passenger side of the officers' vehicle, PO Grullon says she is going to search § 87(2)(b). § 87(2)(b) turns to face PO Grullon and says, "What? I don't have nothing on me." PO Grullon pushes § 87(2)(b) who is standing approximately one foot away from the car, against the car and says, "Face the car right now." § 87(2)(b)'s chest makes contact with the police car. PO Grullon searches § 87(2)(b) and places her inside the police car (**Board Review 11**).

In the surveillance video of this incident, beginning at the 03:21 timestamp of the media player, visible at the bottom of the screen, PO Grullon, PO Valentin, and § 87(2)(b) are near the entrance to the building. PO Valentin and PO Grullon pull § 87(2)(b)'s arms behind her back. § 87(2)(b) twists her body and the officers push § 87(2)(b) toward the entrance of the building. At 03:35, § 87(2)(b)'s head and right side of her body make contact with the wall. (**Board Review 12**).

NYPD Patrol Guide, Procedure 221-01 states that officers "will use only the reasonable force necessary to gain control or custody of a subject," and, "[i]n determining whether the use of force is reasonable, [officers] shall consider... actions taken by the subject... [and the] immediacy of the perceived threat or harm to the subject, [officers], and/or bystanders" (**Board Review 13**).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b) testified that after she was placed in the patrol car, she was transported to the 9th Precinct stationhouse. PO Grullon issued § 87(2)(b) two summonses for disorderly conduct and released her from the stationhouse. One summons stated that § 87(2)(b) said, “Fuck you, bitch!” § 87(2)(b) denied using profanity and raising her voice during her interactions with PO Grullon and PO Valentin. § 87(2)(b) did not testify to what the second summons was issued for.

The first summons issued to § 87(2)(b) for violation of NY Penal Law, § 240.20(2), states that § 87(2)(b) became very aggressive by screaming, and causing alarm and annoyance to the public, as bystanders were at the location (**Board Review 14**). The second summons, for violation of NY Penal Law, § 240.20(3) states that § 87(2)(b) used obscene language, specifically saying, “Fuck you, bitch,” to PO Grullon, which caused alarm and annoyance to the public (**Board Review 15**).

PO Grullon's explanation for why she issued § 87(2)(b) the two disorderly conduct summons is as follows: After § 87(2)(b) interrupted the officers' attempts to execute the car stop by screaming that she would sue and file a complaint against PO Grullon; refusing orders to step away as PO Grullon tried to speak to § 87(2)(b) telling PO Grullon that she was interfering with her freedom of speech; and saying something along the lines of "fuck this, fuck that," and after PO Grullon handed § 87(2)(b) her VTL summons and the officers were walking back toward their vehicle to leave, § 87(2)(b) yelled to PO Grullon, "Fuck you, bitch!" At the moment § 87(2)(b) said this, PO Grullon decided to summons her for disorderly conduct because she made unreasonable noise and caused public alarm. Approximately five or six people, who were standing on the corner, approximately one or two car-lengths away on the same side of the street, had stopped and were watching § 87(2)(b) but did not otherwise get involved nor did § 87(2)(b) speak to them. PO Valentin's statement was generally consistent with PO Grullon's statement, though she said the bystanders were watching from across the street.

In PO Grullon's BWC footage, beginning at the 01:15 minute mark of the media player, visible at the bottom of the screen, as the officers are inside of their vehicle preparing to issue § 87(2)(b) her VTL summons, intelligible yelling is heard off screen. PO Grullon tells PO Valentin, "She's about to get a summons." At 22:47, PO Grullon and PO Valentin exit their vehicle. PO

Grullon hands § 87(2)(b) a summons and tells § 87(2)(b) who is standing next to § 87(2)(b) to get out of the way and that she is interrupting a car stop. § 87(2)(b) denies this. PO Grullon tells § 87(2)(b) that she is not going to tell her again. PO Grullon walks away and deactivates her BWC (**Board Review 06**), but PO Valentin's BWC footage captures the rest of the interaction. At 24:47, as the officers walk back to their vehicle, § 87(2)(b) shouts, "Have a nice day. Have a beautiful day on this Palm Sunday. And I hope you find something better to do with your time, fucking bitch ass." PO Valentin asks PO Grullon, "What are you gonna do? Give her a C-Summons?" PO Grullon then approaches § 87(2)(b) and orders her to produce identification. There is one passerby walking on the sidewalk, but the individual does not stop or become involved (**Board Review 11**).

A person is guilty of disorderly conduct when, she, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, (2) makes unreasonable noise, or (3) in a public place, uses abusive or obscene language or makes an obscene gesture. New York State Penal Law, Section 240.20 (**Board Review 16**). Mere use of coarse language toward a police officer is not enough, alone, to constitute the public harm element required for disorderly conduct. An isolated verbal exchange between an individual and an officer, without any other aggressive action or extenuating circumstances, is not likely to constitute disorderly conduct. Likewise, the mere presence of spectators, without any indication that these spectators are likely to become involved in the dispute, is not enough to constitute disorderly conduct. People v. Baker, 20 N.Y.3d 354 (2013) (**Board Review 17**)

§ 87(2)(g)
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Civilian and Officer CCRB Histories

- This is the second CCRB complaint to which § 87(2)(b) has been a party.
§ 87(2)(b)
- This is the first CCRB complaint to which § 87(2)(b) has been a party (**Board Review 26**).
- PO Grullon has been a member-of-service for 15 years and has been a subject in two additional CCRB complaints and four allegations, one of which was substantiated.
 - 201901084 involved a substantiated allegation of Abuse – retaliatory summons against PO Grullon. PO Grullon issued a summons to the complainant/victim after the complainant/victim said to the officers, "Fuck you." The Board recommended Command Discipline A and the NYPD has not yet imposed discipline.
- PO Valentin has been a member-of-service for three years and has been a subject in three additional CCRB complaints and eight allegations, none of which were substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- As of December 24, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed regarding this incident (**Board Review 19**).

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: 13

Investigator:	<u>Thomas Juliano</u> Signature	<u>Thomas Juliano</u> Print Title & Name	<u>4/21/2020</u> Date
Squad Leader:	<u>Laura Kastner</u> Signature	<u>IM Laura Kastner</u> Print Title & Name	<u>04/21/2020</u> Date